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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CITY PRINTS, LLC, a New York
Corporation,

Plaintiff.

V.

SANS SOUCI, LLC, a California limited liability company; FRENZI CLOTHING, a business entity of form unknown; FASHION BOOMY, a business entity of form unknown; LA MODA BOUTIQUE, INC. a Florida corporation; and DOES 1 through 10,

Defendants.

| Case No.:

PLAINTIFF'S COMPLAINT FOR:

1. COPYRIGHT INFRINGEMENT;
2. VICARIOUS AND/OR CONTRIBUTORY COPYRIGHT INFRINGEMENT

Jury Trial Demanded

1 Plaintiff CITY PRINTS, LLC, by and through its undersigned attorneys,
2 hereby prays to this honorable Court for relief as follows:

3 **JURISDICTION AND VENUE**

4 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101
5 *et seq.*

6 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and
7 1338 (a) and (b).

8 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and
9 1400(a) in that this is the judicial district in which a substantial part of the acts and
10 omissions giving rise to the claims occurred.

11 **PARTIES**

12 4. Plaintiff CITY PRINTS, LLC, (“CITY PRINTS”) is a corporation existing
13 under the laws of the state of New York.

14 5. Plaintiff is informed and believes and thereon alleges that Defendant SANS
15 SOUCI, LLC, (“SANS SOUCI”) is a limited liability company organized and
16 existing under the laws of the state of California.

17 6. Plaintiff is informed and believes and thereon alleges that Defendant
18 FRENZI CLOTHING (“FRENZI”), is a business entity of form unknown, and is
19 doing business in and with the state of California.

20 7. Plaintiff is informed and believes and thereon alleges that Defendant
21 FASHION BOOMY (“BOOMY”), is a business entity of form unknown, and is
22 doing business in and with the state of California.

23 8. Plaintiff is informed and believes and thereon alleges that Defendant LA
24 MODA BOUTIQUE, INC. (“LA MODA”) is a corporation organized and existing
25 under the laws of the state of Florida, and is doing business in and with the state of
26 California.

1 9. Defendants DOES 1 through 10, inclusive, are other parties not yet
2 identified who have infringed Plaintiff's copyrights, have contributed to the
3 infringement of Plaintiff's copyrights, or have engaged in one or more of the
4 wrongful practices alleged herein. The true names, whether corporate, individual or
5 otherwise, of Defendants 1 through 10, inclusive, are presently unknown to Plaintiff,
6 which therefore sues said Defendants by such fictitious names, and will seek leave to
7 amend this Complaint to show their true names and capacities when same have been
8 ascertained.

9 10. Plaintiff is informed and believes and thereon alleges that at all times
10 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
11 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
12 at all times acting within the scope of such agency, affiliation, alter-ego relationship
13 and/or employment; and actively participated in or subsequently ratified and
14 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of
15 all the facts and circumstances, including, but not limited to, full knowledge of each
16 and every violation of Plaintiff's rights and the damages to Plaintiff proximately
17 caused thereby.

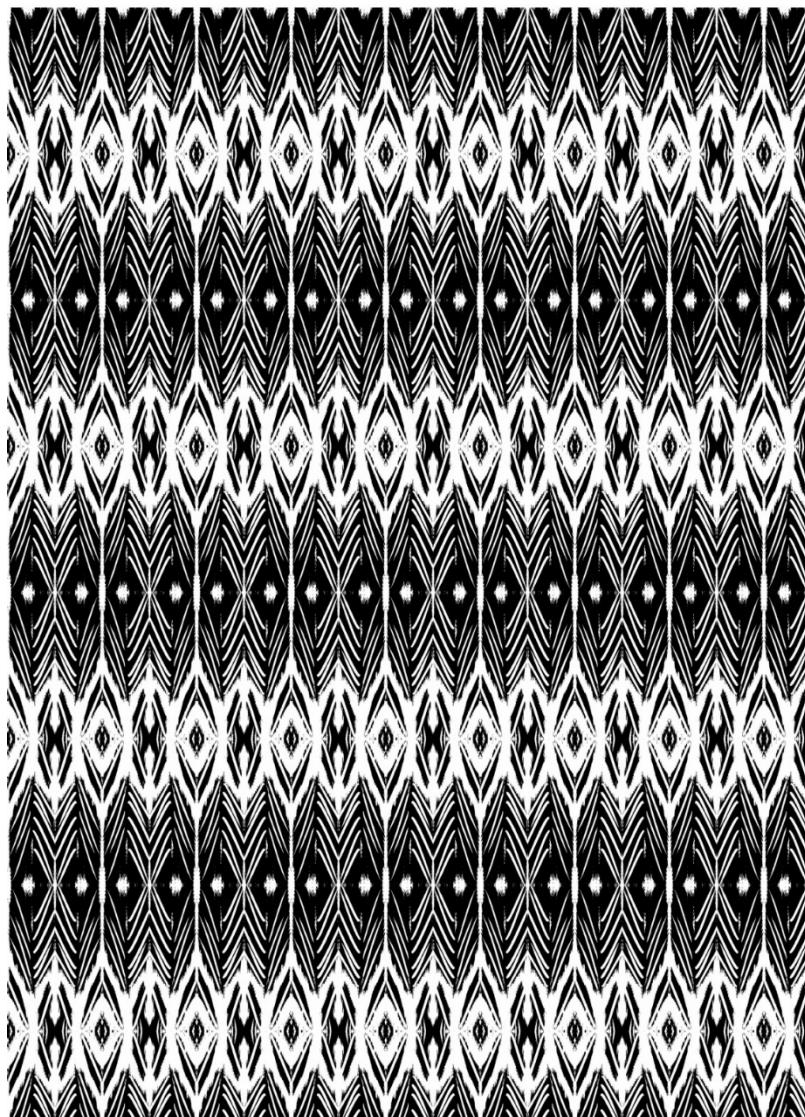
18 **CLAIM RELATED TO DESIGN P11318**

19 11. Prior to the conduct complained of herein, Plaintiff composed an original
20 two-dimensional artwork for purposes of textile printing, which is set forth
21 hereinbelow. It allocated this artwork Plaintiff's internal design number P11318
22 (hereinafter the "Subject Design"). This artwork was a creation of Plaintiff's design
23 team, and is, and at all relevant times was, owned exclusively by Plaintiff.

24 12. Plaintiff applied for and received a United States Copyright Registration
25 for the Subject Design.

13. Prior to the acts complained of herein, Plaintiff sampled and sold fabric bearing Subject Design to numerous parties in the fashion and apparel industries. A true and correct image of the Subject Design is presented below:

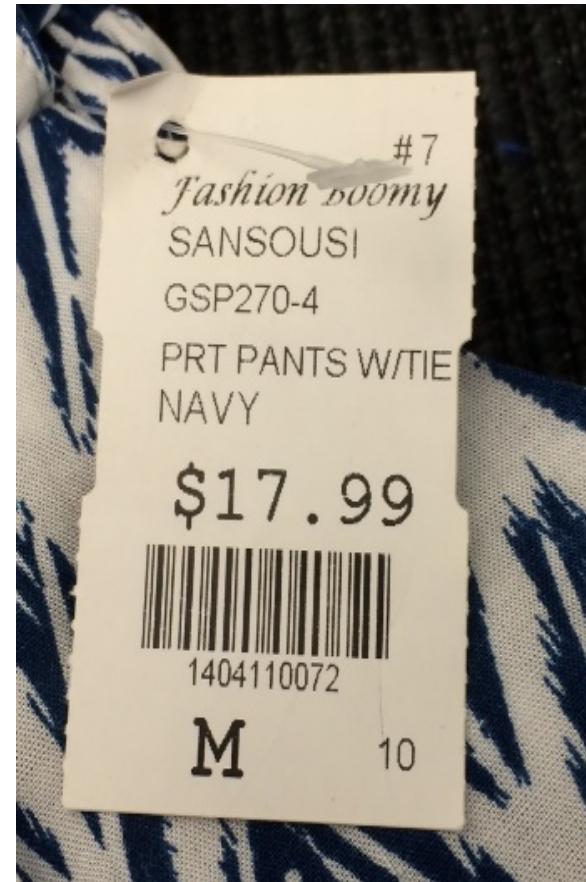
Subject Design:



14. Plaintiff is informed and believes and thereon alleges that, following this distribution of fabric bearing the Subject Design by Plaintiff, SANS SOUCI, FRENZI, BOOMY, LA MODA, and certain DOE Defendants created, sold,

1 manufactured, caused to be manufactured, imported and distributed fabric or
2 garments comprised of fabric bearing an unauthorized reproduction of Subject
3 Design (“Subject Product”). Such Subject Product includes but is not limited to the
4 following:

5 a. BOOMY, LA MODA, and FRENZI garments sold under, *inter alia*,
6 Style No. GSP270-4. Such Subject Products bore the labels and tags
7 indicating that said garments were manufactured by, caused to be
8 manufactured by, or supplied by SANS SOUCI. See below for true
9 and correct images of one such garment and tags:



1 a. SANS SOUCI garments sold under, *inter alia*, Style No. 52010-
2 11679 by retailer Agaci, LLC. Such Subject Products bore the labels
3 and tags indicating that said garments were manufactured by, caused
4 to be manufactured by, or supplied by SANS SOUCI. See below for
5 true and correct images of one such garment and tags:



21 15. Plaintiff is informed and believes and thereon alleges that Defendants, and
22 each of them, have committed copyright infringement with actual or constructive
23 knowledge of Plaintiff's rights and/or in blatant disregard for Plaintiff's rights, such
24 that said acts of copyright infringement were, and continue to be, willful, intentional
25 and malicious, subjecting Defendants, and each of them, to liability for statutory
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damages under Section 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per infringement.

16. A comparison of the Subject Design and each non-exclusive exemplar of Subject Product makes apparent that the elements, composition, colors, arrangement, layout, and appearance of the designs are substantially similar.

FIRST CLAIM FOR RELIEF

(For Copyright Infringement – Against All Defendants, and Each)

17. Plaintiff repeats, realleges, and incorporates herein by reference as though fully set forth, the allegations contained in the preceding paragraphs of this Complaint.

18. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) garments manufactured and sold to the public bearing fabric lawfully printed with the Subject Design by Plaintiff for its customers.

19. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s) has an ongoing business relationship with Defendant retailers, and each of them, and supplied garments to said retailer, which garments infringed the Subject Design in that said garments were composed of fabric which featured unauthorized print design(s) that were identical or substantially similar to the Subject Design, or were an illegal derivation or modification thereof.

1 20. Plaintiff is informed and believes and thereon alleges that Defendants, and
2 each of them, infringed Plaintiff's copyright by creating, making, and/or developing
3 directly infringing and/or derivative works from the Subject Design and by
4 producing, distributing and/or selling garments which infringe the Subject Design
5 through a nationwide network of retail stores, catalogues, and through on-line
6 websites.

7 21. Due to Defendants' acts of infringement, Plaintiff has suffered substantial
8 damages to its business in an amount to be established at trial.

9 22. Due to Defendants' acts of infringement, Plaintiff has suffered general and
10 special damages in an amount to be established at trial.

11 23. Due to Defendants' acts of copyright infringement as alleged herein,
12 Defendants, and each of them, have obtained direct and indirect profits they would
13 not otherwise have realized but for their infringement of the Subject Design. As
14 such, Plaintiff is entitled to disgorgement of Defendants' profits directly and
15 indirectly attributable to Defendants' infringement of the Subject Design in an
16 amount to be established at trial.

17 24. Plaintiff is informed and believes and thereon alleges that Defendants, and
18 each of them, have committed acts of copyright infringement, as alleged above,
19 which were willful, intentional and malicious, which further subjects Defendants,
20 and each of them, to liability for statutory damages under Section 504(c)(2) of the
21 Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per
22 infringement. Within the time permitted by law, Plaintiff will make its election
23 between actual damages and statutory damages.

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SECOND CLAIM FOR RELIEF

(For Vicarious and/or Contributory Copyright Infringement - Against All Defendants)

25. Plaintiff repeats, realleges, and incorporates herein by reference as though fully set forth, the allegations contained in the preceding paragraphs of this Complaint.

26. Plaintiff is informed and believes and thereon alleges that Defendants knowingly induced, participated in, aided and abetted in and profited from the illegal reproduction and/or subsequent sales of garments featuring the Subject Design as alleged herein.

27. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, are vicariously liable for the infringement alleged herein because they had the right and ability to supervise the infringing conduct and because they had a direct financial interest in the infringing conduct.

28. By reason of the Defendants', and each of their, acts of contributory and vicarious infringement as alleged above, Plaintiff has suffered and will continue to suffer substantial damages to its business in an amount to be established at trial, as well as additional general and special damages in an amount to be established at trial.

29. Due to Defendants', and each of their, acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of the Subject Design. As such, Plaintiff is entitled to disgorgement of Defendants' profits directly and indirectly attributable to Defendants' infringement of the Subject Design, in an amount to be established at trial.

30. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed acts of copyright infringement, as alleged above,

1 which were willful, intentional and malicious, which further subjects Defendants,
2 and each of them, to liability for statutory damages under Section 504(c)(2) of the
3 Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per
4 infringement. Within the time permitted by law, Plaintiff will make its election
5 between actual damages and statutory damages.

6 **PRAYER FOR RELIEF**

7 Wherefore, Plaintiff prays for judgment as follows:

8 **Against All Defendants**

9 31. **With Respect to Each Claim for Relief**

- 10 a. That Defendants, each of them, and their agents and employees be
11 enjoined from infringing Plaintiff's copyrights in any manner,
12 specifically those for the Subject Design;
- 13 b. That a constructive trust be imposed over the Infringing Product and any
14 revenues derived from their sales;
- 15 c. That Defendants, and each of them, account to Plaintiff for their profits
16 and any damages sustained by Plaintiff arising from the foregoing acts
17 of infringement, the exact sum to be proven at the time of trial, or, if
18 elected before final judgment, statutory damages as available under the
19 Copyright Act, 17 U.S.C. § 101 et seq.;
- 20 d. That Plaintiff be awarded its attorneys' fees as available under the
21 Copyright Act U.S.C. § 101 et seq.;
- 22 e. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 23 f. That Plaintiff be awarded the costs of this action; and
- 24 g. That Plaintiff be awarded such further legal and equitable relief as the
25 Court deems proper.

1 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.
2 38 and the 7th Amendment to the United States Constitution.

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4 Dated: August 12, 2015

By: /s/ Scott A. Burroughs
5 Scott A. Burroughs, Esq.
6 Trevor W. Barrett, Esq.
7 Justin M. Gomes, Esq.
8 DONIGER / BURROUGHS
9 Attorneys for Plaintiff
10 CITY PRINTS LLC

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